

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

31567.4

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/031107

INTERNATIONAL APPLICATION NO.

PCT/EP01/04978

INTERNATIONAL FILING DATE

03 May 2001

PRIORITY DATE CLAIMED

11 May 2000

TITLE OF INVENTION

CONTROL PROGRAM FOR A DEVICE FOR PHOTOREFRACTIVE CORNEAL SURGERY OF THE EYE

APPLICANT(S) FOR DO/EO/US

Michael Mrochen, Maik Kaemmerer, Theo Seiler

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). originally executed
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 34 U.S.C. 371; Preliminary Amendment; Copy of PCT Request Form 101; Copy of International Publication WO 01/85075 with specification, abstract, claims and eight (8) sheets of drawings for originally filed priority International Application No. PCT/EP01/04978 (German); English translation of originally filed priority International Application No. PCT/EP01/04978; Copy of International Search Report (German) with prior art documents; Information Disclosure Statement (with prior art documents); Copy of Notification of Receipt of Record Copy (PCT/IB/301); Copy of Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304); Copy of Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (PCT/IB/308); Declaration/Power of Attorney (originally executed); Assignment Recordation Cover Sheet; Assignment; and an Acknowledgment Postcard

U.S. APPLICATION NO. (if PCT) <b>10/031107</b>		INTERNATIONAL APPLICATION NO. PCT/US00/15473		ATTORNEY'S DOCKET NUMBER 31181.7	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1000.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 890.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	47 - 20 =	27	x \$18.00	\$ 486.00	
Independent claims	4 - 3 =	1	x \$84.00	\$ 84.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$270.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1740.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$ 870.00	
<b>SUBTOTAL =</b>				\$ 870.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 870.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 910.00	
				Amount to be refunded: \$	
				charged: \$	

a. ☒ A check in the amount of \$ 910.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 08-1394. A duplicate copy of this sheet is enclosed.


d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card**  
 information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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 SIGNATURE  
 J. Andy Lowes  
 NAME  
 40,706  
 REGISTRATION NUMBER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael Mrochen, et al.

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Attorney Docket No.: 31567.4

Serial No.: United States National Phase  
of PCT/EP01/04978

I. A. Filing Date: May 3, 2001

Priority Date: May 11, 2000

Filed: Herewith

For: CONTROL PROGRAM FOR A DEVICE FOR PHOTOREFRACTIVE CORNEAL  
SURGERY OF THE EYEAttention: DO/EO/US  
Commissioner For Patents  
Washington, D.C. 20231

## EXPRESS MAIL CERTIFICATE

Express Mail Number: EL 828065207 USDate of Deposit: January 10, 2002

I hereby certify that the following papers and fee are attached: Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 34 U.S.C. 371; Preliminary Amendment; Copy of PCT Request Form 101; Copy of International Publication WO 01/85075 with specification, abstract, claims and eight (8) sheets of drawings for originally filed priority International Application No. PCT/EP01/04978 (German); English translation of originally filed priority International Application No. PCT/EP01/04978; Copy of International Search Report (German) with prior art documents; Information Disclosure Statement (with prior art documents); Copy of Notification of Receipt of Record Copy (PCT/IB/301); Copy of Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304); Copy of Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (PCT/IB/308); Declaration/Power of Attorney (originally executed); Assignment Recordation Cover Sheet; Assignment; and an Acknowledgment Postcard are being deposited with United States Postal Service "Express Mail Post Office to addressee" to the Commissioner for Patents, Washington, D.C. 20231.

Ben Newton

Typed or Printed Name

Ben Newton

Signature

D-974850.1